

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT Z-997 823
AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: George WOOLSEY

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1728

George WOOLSEY

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 14 February 1968, an Examiner of the United States Coast Guard at Houston, Texas suspended Appellant's seaman's documents for six months upon finding him guilty of misconduct. The specification found proved alleges that while serving as an ordinary seaman on board SS HALAULA VICTORY under authority of the document above captioned, on or about 2 October 1966, Appellant deserted the vessel at Bremerhaven, Germany.

At the hearing, Appellant did not appear. The Examiner entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced in evidence voyage records of HALAULA VICTORY.

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and specification had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of six months.

The entire decision was served on 27 March 1968. Appeal was timely filed on 25 April 1968.

FINDINGS OF FACT

On 2 October 1966, Appellant was serving as an ordinary seaman on board SS HALAULA VICTORY and acting under authority of his document while the ship was in the port of Bremerhaven, Germany. On that date he deserted from the vessel.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is contended that Appellant required hospitalization

and was justified in leaving the ship.

APPEARANCE: Appellant, pro se

OPINION

The case against Appellant was proved by records of HALAULA VICTORY which show that he joined the vessel at Rotterdam on 24 September 1966, and told the mate at Bremerhaven on 2 October 1966 that he was not making the voyage. He took all his personal effects and left the vessel. This constitutes a prima facie case of desertion.

Although Appellant had three days' notice of the opportunity to be heard at Houston on 12 February 1968, he failed to appear.

While Appellant furnishes nothing in support of his contention on appeal, it is noted that affirmative defenses must be presented to the Examiner in open hearing.

Nothing in the records shows or offers to show reason for Appellant's failure to appear after notice.

CONCLUSION

There is no reason to disturb the findings or order of the Examiner.

ORDER

The order of the Examiner dated at Houston, Texas on 14 February 1968, is AFFIRMED.

P. E. TRIMBLE
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C. this 16th day of October 1968.

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